

## NAYS—6.

Calhoun, Jarvis,  
Field, Terrell,  
Harrison, Woods.

## ABSENT—7.

Allen, MacManus,  
Claiborne, Stinson,  
Davis, Upshaw.  
Gregg,

On motion of Senator Pope,  
The Senate adjourned till 10 o'clock  
to-morrow morning.

## FORTIETH DAY.

## SENATE CHAMBER.

AUSTIN, February 25, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain Dr. Smoot.

On motion of Senator Davis,

The reading of the Journal of yesterday was dispensed with.

## PETITIONS AND MEMORIALS.

## BY SENATOR UPSHAW:

Petition of citizens of Alvarado, Johnson county, protesting against the establishment of private detective agencies.

Referred to Judiciary Committee No. 1.

## BY SENATOR DOUGLASS OF JEFFERSON:

Petition of the people of Hardin county asking the Legislature to enact a special law, permitting an election in said county for the purpose of changing the county seat of said county.

Referred to Judiciary Committee No. 1.

## BY SENATOR M'DONALD:

Petition of citizens of Paris, Lamar county, on the high license liquor bill.

Referred to Judiciary Committee No. 2.

## BY SENATOR BURNEY:

Memorial from citizens of San Antonio to amend section 4, Article 6, of the Constitution.

Referred to Committee on Constitutional Amendments.

## BY SENATOR MACMANUS:

Petition of the county commissioners of Maverick county concerning the existing exemption from taxation of railroad land in said county.

Referred to Committee on Finance.

And

Petition from citizens of Frio county relating to the game law.

Referred to Committee on State Affairs.

## BY SENATOR BURGESS:

Petition of citizens of Gaudalupe county, relating to manufactories.

Referred to Committee on Constitutional Amendments.

## REPORTS OF STANDING COMMITTEES.

## BY SENATOR BURNEY:

## COMMITTEE ROOM, }

AUSTIN, February 25, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Public Printing, to whom was referred Senate bill No. 274, a bill entitled:

"An act to amend Article 2725, in title 48, chapter 1, of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with recommendation that it do pass

All of which is respectfully submitted.

BURNEY, chairman.

Bill read first time.

## BY SENATOR GREGG:

## COMMITTEE ROOM, }

AUSTIN, February 24, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Internal Improvements, to whom was referred Senate bill No. 270, entitled:

"An act authorizing railroad companies, existing under the laws of this, to buy or lease or make running arrangements with the railroad of any other company, owning or controlling railroads in any adjoining State or territory," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it lay on the table, as a bill embracing the same subject matter has been reported favorably.

All of which is respectfully submitted.

GREGG, chairman.

Bill read first time.

## COMMITTEE ROOM, }

AUSTIN, February 24, 1887, }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Internal Improvements to whom was referred Senate bill No. 278, entitled:

"An act to amend article 4247, chapter 10, title 84, Revised Civil Statutes," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

GREGG, chairman.

Bill read first time.

BY SENATOR GARRISON:

## COMMITTEE ROOM, }

AUSTIN, February 25, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Penitentiaries, to whom was referred House bill No. 21, entitled:

"An act to establish a House of Correction and Reformatory and to provide for its government and maintenance, and make an appropriation therefor," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be considered with substitute Senate bill No. 1, which relates to the same subject matter, and has been reported back to the Senate favorably by your committee.

All of which is respectfully submitted.

GARRISON, chairman.

Bill read first time.

BY SENATOR BELL:

## COMMITTEE ROOM, }

AUSTIN, February 24, 1887 }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 280, entitled:

"An act to amend an act entitled 'an act to amend Article 186 of the Penal Code,' approved April 10, 1883," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

## BILLS AND RESOLUTIONS.

BY SENATOR DOUGLASS OF JEFFERSON:

"An act to authorize an election for the removal of the county seat of Hardin county."

Referred to Judiciary Committee No. 1.

And, by request:

"An act authorizing the district court and commissioners' court of Hardin county to be held at the town of Kountze, and requiring the county judge, sheriff, clerks of district and county courts, treasurer, county surveyor and county attorney to keep their several offices at the town of Kountze."

Referred to Judiciary Committee No. 1.

BY SENATOR MACMANUS:

By request,

A bill to be entitled:

"An act to provide for the better payment, and to regulate the manner of payment of fees to county judges, justices of the peace, sheriffs, constables, district and county attorneys and district clerks for services rendered in certain felony cases."

Referred to Committee on Finance.

BY SENATOR BURNEY:

By request,

A bill to be entitled:

"An act to reimburse W. T. Johnson for the actual expenses incurred in the pursuit, capture and delivery of James Devenport, who killed E. M. Herford in Presidio county, August 7, 1886."

Referred to Committee on Finance.

BY SENATOR TERRELL:

"An act to amend Article 1652 of Revised Civil Statutes relating to descent and distribution of estates."

Referred to Judiciary Committee No. 1.

SENATOR DOUGLASS OF JEFFERSON

Moved to refer Senate bill No. 159 to Committee on Public Lands.

SENATOR HARRISON

Opposed the motion.

The motion was

Adopted,

And the bill was ordered referred.

On motion of Senator Bell,

The regular order of business was suspended, and

House joint resolution No. 2, "Joint resolution to amend section 20, of Article 16, of the State Constitution," was taken up and read third time.

SENATOR TERRELL

Moved a call of the Senate.

Call sustained.

Roll called, and Senator Houston was found to be absent without excuse.

The Sergeant at-Arms was dispatched to bring in the absent Senator.

SENATOR HOUSTON

Was announced at the door.

The Senate was declared to be full, and the call was suspended.

SENATOR BURGESS

Offered the following amendment:

Amend section 1 by adding, "provided this shall not apply to wine or beer."

SENATOR BURGESS

Spoke in favor of the amendment.

SENATOR BELL

Opposed the amendment.

SENATOR LANE

Favored the amendment.

Pending discussion on the amendment reference was made to the political preferences, etc., of Senator Allen, when he (Senator Allen) arose to a question of personal privilege and declared himself to be a Democrat, and explained at some length the character of his candidacy for the Senate, and the manner of his election.

On motion of Senator Bell,

The amendment was laid on the table, by the following vote:

YEAS—20.

Abercrombie,	Frank,
Allen,	Garrison,
Armistead,	Harrison,
Bell,	Houston,
Calhoun,	Jarvis,
Camp,	McDonald,
Davis,	Simkins,
Douglass of J,	Stinson,
Douglass of G,	Terrell,
Field,	Upshaw.

NAYS—10.

Burges,	Knittle,
Burney,	Lane,
Claiborne,	MacManus,
Glasscock,	Pope,
Gregg,	Woods.

SENATORS HOUSTON AND SIMKINS

Favored the resolution.

The joint resolution was passed by the following vote:

YEAS—22.

Abercrombie,	Garrison,
Allen,	Gregg,
Armistead,	Harrison,
Bell,	Houston,
Calhoun,	Jarvis,
Camp,	McDonald,
Davis,	MacManus,
Douglass of J,	Simkins,
Douglass of G,	Stinson,
Field,	Terrell,
Frank,	Upshaw.

NAYS—8.

Burges,	Knittle,
Burney,	Lane,
Claiborne,	Pope,
Glasscock,	Woods.

SENATOR KNITTLE

Sent up the following reasons for voting "no":

My reason for voting "no" on the Constitutional amendment is that no party has a right to say what I shall eat or drink.

KNITTLE.

SENATOR GLASSCOCK

Sent up the following reasons for voting "no":

I vote "no" on the submission of the above constitutional amendment, for the following reasons:

1. Because from the best information I have been able to procure the majority of the people in my district are opposed to submitting at the present time, said constitutional amendment.

2. I have been advised by the friends advocating both prohibition and anti-prohibition in my district that they do not want this constitutional amendment submitted at the present time, and neither party has sent any petition to me asking me to support this amendment.

3. Believing that the present Constitution is sufficient on the subject, and that the State can adopt prohibition by counties, I therefore vote "no."

GLASSCOCK.

By leave,

SENATOR GREGG

Sent up the following committee report:

COMMITTEE ROOM, }  
'AUSTIN, February 24, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Internal Improvements, to whom was referred Senate bill No. 256, entitled:

"An act to amend Articles 4251, 4252, 4253, 4254 and 4255, of chapter ten, of title eighty-four of the Revised Civil Statutes of the State of Texas have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the accompanying amendments.

All of which is respectfully submitted.

GREGG, chairman.

Amendments to Senate bill No. 256.

#### FIRST AMENDMENT.

In line 19, article 4251, page 2, after the word "received," insert words "giving preference in all cases to live stock and other perishable freight in the order received."

#### SECOND AMENDMENT.

In line 20, article 4254, strike out words beginning with "within" up to and inclusive word "month" in line 22, and insert in lieu thereof words, "once every ninety days."

#### THIRD AMENDMENT.

In line 26, article 4254, strike out word "month" and insert in lieu thereof word "quarter."

#### FOURTH AMENDMENT.

In line 25, article 4255, strike out word "act" and insert in lieu thereof words "and the four preceding articles."

#### FIFTH AMENDMENT.

In line 32, article 4255, after word "dollars" insert words "as penal damages."

#### SIXTH AMENDMENT.

In lines 9 and 10, Article 4255, strike out words "interfere with the civil action for," and insert in lieu thereof words "prevent the recovery of any other."

#### SEVENTH AMENDMENT.

In line 10, Article 4255, strike out last word "of," and insert in lieu thereof word "by."

#### EIGHTH AMENDMENT.

In line 12, Article 4255, after word "corporation," insert words "occurring by reason of a violation of this or the four preceding articles."

Bill read first time.

The Senate resumed consideration of substitute Senate bill No. 22 (the railway commission bill).

#### SENATOR UPSHAW

Made a lengthy argument in favor of the bill, and yielded the floor to Senator Burges, on whose motion the further consideration of the bill was postponed till to-morrow.

#### SENATOR CLAIBORNE,

By leave, sent up

"A bill to be entitled an act amendatory of and supplementary to an act entitled 'an act to incorporate the city of Galveston, and to grant a new charter, etc., etc., etc.'"

Referred to Committee on Public Lands.

On motion of Senator Houston,

Senate Joint Resolution No. 3:

"Senate Joint Resolution amending section 12, of Article 8, of the State Constitution," was taken up and read third time.

#### SENATOR HOUSTON

Offered the following substitute for the resolution:

Substitute for Senate Joint Resolution No. 35.

Joint Resolution proposing the submission of an amendment to section 12, Article 8, of the Constitution of the State of Texas,

Section 1. Be it resolved by the Legislature of the State of Texas:

That section 12, Article 8 of the Constitution of the State of Texas be so amended as hereafter to read as follows:

## ARTICLE 3.

Section 12. The Legislature shall provide for the assessment and collection of State and county and special taxes upon all property subject to taxation situated in unorganized counties.

Section 2. Be it further resolved, That the above and foregoing amendment to the Constitution of the State of Texas be submitted for adoption at an election ordered for that purpose to be held on the first Thursday in August A. D. 1887 and the Governor of Texas is hereby authorized to issue his proclamation therefor according to law.

SENATORS HOUSTON, TERRELL, BURGESS,  
FIELD AND BURNEY

Favored the substitute and it was adopted by the following vote:

YEAS—28.

Abercrombie,	Garrison,
Allen,	Glasscock,
Armistead,	Harrison,
Bell,	Houston,
Burgess,	Jarvis,
Burney,	Knittle,
Calhoun,	Lane,
Camp,	McDonald,
Claiborne,	Pope,
Davis,	Simkins,
Douglass of J.,	Stinson,
Douglass of G.,	Terrell,
Field,	Upshaw,
Frank,	Woods,

NAYS—none.

ABSENT—2.

Gregg, MacManus.

SENATOR BURNEY

Moved to amend by striking out the words "and special" in line 3, section 12, and insert "and."

SENATOR BURNEY

Spoke in support of the amendment. The amendment was adopted by the following vote:

YEAS—28.

Abercrombie,	Camp,
Allen,	Claiborne,
Armistead,	Davis,
Bell,	Douglass of J.,
Burgess,	Douglass of G.,
Burney,	Field,
Calhoun,	Frank,

Garrison,  
Glasscock,  
Harrison,  
Houston,  
Jarvis,  
Knittle,  
Lane,

McDonald,  
Pope,  
Simkins,  
Stinson,  
Terrell,  
Upshaw,  
Woods.

NAYS—none.

ABSENT—2.

Gregg,

MacManus.

SENATOR BURNEY

Offered the following amendment:

Amend section 12 by adding "but no property in an unorganized county shall be liable to a special county tax."

SENATOR BURNEY

Spoke in favor of the amendment.

Senators Harrison and Houston opposed the amendment, and it was

Lost by the following vote:

YEAS—13:

Bell,	Frank,
Burney,	Garrison,
Calhoun,	Glasscock,
Camp,	Knittle,
Davis,	Simkins,
Douglass of J.,	Terrell,
Field,	

NAYS—15:

Abercrombie,	Jarvis,
Allen,	Lane,
Armistead,	McDonald,
Burgess,	Pope,
Claiborne,	Stinson,
Douglass of G.,	Upshaw,
Harrison,	Woods,
Houston,	

ABSENT—2:

Gregg,

MacManus.

On motion of Senator Upshaw,

Senator MacManus was excused till to-morrow, on account of sickness.

The substitute Joint Resolution was passed by the following vote:

YEAS—24.

Abercrombie,	Claiborne,
Allen,	Davis,
Armistead,	Douglass of J.,
Bell,	Douglass of G.,
Burgess,	Frank,
Burney,	Glasscock,
Camp,	Harrison,

Houston,  
Jarvis,  
Knittle,  
Lane,  
McDonald,

Pope,  
Simkins,  
Stinson,  
Terrell,  
Upshaw.

NAYS—4.

Calhoun,  
Field,

Garrison,  
Woods.

ABSENT—1.

Gregg.

SENATOR BELL

By leave,

Sent up the following Committee report:

COMMITTEE ROOM, (AUSTIN, February 25, 1887.)

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 272, entitled:

"An act to regulate the shipment of lumber and other building material by railway companies," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

On motion of Senator Lane,

The Senate adjourned till 3 o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

On motion of Senator Pope,

Senate bill No. 278:

"An act to amend Article 4247, chapter 10, title 84, Revised Civil Statutes," was taken up and the constitutional rule was suspended and the bill was placed on its second reading by the following vote:

YEAS—20.

Abercrombie,  
Allen,  
Bell,  
Burney,  
Calhoun,  
Camp,

Davis,  
Douglass of J.,  
Frank,  
Garrison,  
Gregg,  
Harrison,

Jarvis,  
Lane,  
McDonald,  
MacManus,

Pope,  
Stinson,  
Upshaw,  
Woods,

NAYS—2.

Douglass of G,

Glasscock,

ABSENT—8

Armistead,  
Burgess,  
Claiborne,  
Field.

Houston,  
Knittle,  
Simkins,  
Terrell.

The bill was read second time.

SENATORS CALHOUN AND POPE

Favored the bill, and it was ordered engrossed.

Senate bill No. 31.

"An act to amend Article 1632, of the Revised Civil Statutes of Texas," was laid before the Senate with House amendments.

On motion of Senator Bell,

The amendment was concurred in.

Senate bill No. 45.

"An act to amend an act entitled an act to amend Article 3602, chapter 10, title 71, of the Revised Civil Statutes of the State of Texas, relating to the hiring of county convicts," was laid before the Senate with House amendments.

On motion of Senator Camp,

The first amendment was concurred in.

On motion of Senator Camp,

The word "or" was added after the last word in the second amendment, and, as amended, on Senator Camp's motion the amendment was concurred in.

THE PRESIDENT

Gave notice of signing House bill No. 304,

"An act extending for ten years the payment of the principal of the purchase money for lands purchased under the two acts of the Legislature herein named."

Senate bill No. 24.

A bill to be entitled:

"An act to define a certain part of the boundary of the State of Texas, and to authorize the institution and prosecution of a suit in the Supreme Court of the United States, against the State of Kansas, to establish the same, and to establish the jurisdiction of the State of Texas over certain territories therein described, and to appropriate money to meet the expenses attending such suit," was laid before the Senate and read second time."

SENATORS BURGESS, HOUSTON, JARVIS  
AND POPE

Opposed the bill.

SENATORS BELL, GLASSCOCK, TERRELL  
AND CALHOUN

Spoke in favor of the bill.

SENATOR CALHOUN

Offered the following amendment:

Amend section 4 by striking out the words "three thousand," and insert in lieu thereof the words "nine thousand."

Lost.

SENATOR CALHOUN

Moved to amend in line 8 in section 3, by striking out the words "ten thousand," and insert in lieu thereof the words "fifty thousand."

Lost.

The bill was ordered engrossed by the following vote:

YEAS—14.

Armistead,	Douglass of J.
Bell,	Frank,
Burney,	Garrison,
Calhoun,	Glasscock,
Camp,	Harrison,
Claiborne,	McDonald,
Davis,	Terrell

NAYS—13.

Abercrombie,	Jarvis,
Allen,	Knittle,
Burgess,	Lane,
Douglass of G,	Pope,
Field,	Upshaw,
Gregg,	Woods,
Houston,	

ABSENT—3.

McManus,	Stinson,
Simkins,	

On motion of Senator Claiborne,  
The Senate adjourned until 10  
o'clock to-morrow morning.

#### FORTY-FIRST DAY.

SENATE CHAMBER. }

AUSTIN, February 26, 1887. }

The Senate met pursuant to adjournment.

Lieut. Governor Wheeler in the chair.

Roll call.

Quorum present.

Prayer by the chaplain, Dr. Smoot.

On motion of Senator Pope,  
The reading of the Journal of yesterday was dispensed with.

On motion of Senator Allen,  
Senator Glasscock was excused till Tuesday on account of important business.

#### PETITIONS AND MEMORIALS.

BY SENATOR MACMANUS:

Petition of Juan Ortis and other citizens of Webb county, calling attention to Chapman's House bill, and asking that Mexican coin be made legal tender in this State.

Referred to Committee on Finance.

BY SENATOR ABERCROMBIE:

Memorial of general committee of the Texas State Geological and Scientific Association, etc.

Ordered to lie on table subject to call.

BY SENATOR FRANK:

Petition of citizens of Erath county, asking legislation on railroads, penitentiaries, land and other similar subjects.

Referred to Committee on Internal Improvements.

BY SENATOR HOUSTON:

Petition for D. M. Prewitt.

Referred to Committee on Private Land Claims.

The following message was received from the House:

HOUSE OF REPRESENTATIVES.

AUSTIN, TEXAS, February 26, 1887.

Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to inform the Senate that the House has passed Senate bill No 7:

"An act to prohibit and punish dealing in futures, and to punish persons for permitting their premises to be used to carry on such business, and to repeal an act entitled 'an act to amend chapter 2, title 2, of the Penal Code of the State of Texas, adding thereto Article 354a; approved March 31, 1885,' by a vote 91 ayes.

Also, that the House has passed

"Senate Joint Resolution No. 19, granting leave of absence to Hon. John C. Russell, judge of the Twenty-